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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,255	10/31/2003	Jonathan S. Lindsey	5051-644	1674
20792 75	590 05/16/2006		EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428			CHUNG, SUSANNAH LEE	
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
ŕ			1626	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Art Unit Susannah Chung 162			Application No.	Applicant(s)				
Susennah Chung 1626 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE § MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exercises of mem my be available under the proviously of 3 CPR 1.138(s), in re-eart, however, may a reply be invery like the set or excended general for right is specified above, the maximum statutory period will apply and will expire SIX (8) MONTH'S from the mailing date of this communication. Failur to represent by the Cliffs take than thine months after the mailing date of this communication, even if lumby field, may reduce any senter place than speciment. Set 37 CPR 1.78(s). Any trey received by the Cliffs take than thine months after the mailing date of this communication, even if lumby field, may reduce any senter place than speciment. Set 37 CPR 1.78(s). Place 1.20(s). This action is FINAL. 2b This action is non-final. 3) Responsive to communication(s) filed on 03 April 2006. 2a This action is FINAL. 2b This action is non-final. 3) Indicate this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 5-10 sid are allowed. 6) Claim(s) 5-10 sid are allowed. 6) Claim(s) 5-10 sid are allowed. 6) Claim(s) 5-10 sid are allowed. 7) Claim(s) 5-10 sid are allowed. 8) Claim(s) 5-10 sid are allowed. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on sid are: a) accepted or b objected to by the Examiner. 10) The drawing(s) filed on sid are: a) accepted or b objected to by the Examiner. 10) The arbitration of the priority documents have been received. 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 12) Acknowledgment is made of a claim for foreign priority docu	Office Action Summary		10/698,255	LINDSEY ET AL.				
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Paper No(s)/Mail Date 6) Other:	1) Notice of R 2) Notice of D 3) Information	raftsperson's Patent Drawing Review (PTO-948) Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate				

DETAILED ACTION

Claims 5-10 and 22-24 are pending in the instant application.

Response

Applicant's remarks and amendment the claims filed on 4/2/2006 are acknowledged. Claims 5-7 drawn to methods of using a phosphono compound of the elected subject matter, Claims 8-10, are rejoined.

Claim objections

Claims 5-7 are objected to in that they are not directed to the elected subject matter and contain non-elected subject matter. Claim 5 should be made dependent on the allowable subject matter claim 8. The claims will be renumbered so that current claim 8 is claim 1 to correct the multiple dependency issue.

This application is in condition for allowance except for the presence of claims 22-24 directed to an invention non-elected with traverse in the reply filed on 4/3/2006.

Allowable subject matter

Claims 8-10, directed to 5-phosphonodipyrromethane compounds are allowed. The closest prior art of record is Lindsey et al., "Investigation of the Synthesis of Ortho-Substituted Tetraphenylphorphyrins," April 21, 1988, J.Org. Chem., Vol. 54, pages 828-836, especially page 833. The difference between the prior art of Lindsey and the claims is that in the instant application the aryl group off the dipyrromethane group is substituted with a phosphonate group, while in the prior art of Lindsey the aryl group is unsubstituted.

A telephone call was placed to Attorney Kenneth Sibley on 04 May 2006 and an agreement was not reached.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Chung whose telephone number is (571) 272-6098. The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susannah Chung

Patent Examiner, AU 1626

Date: 5/12/2006

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

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